

Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Claim 21 has been cancelled. Claims 1 and 5-20 are currently pending. No new matter is introduced by these amendments.

The objection to the drawings under 37 C.F.R. 1.83(a) is rendered moot by the cancellation of claim 21.

The rejection of claim 21 under 35 U.S.C. § 112, first paragraph, as lacking descriptive support is rendered moot by the cancellation of claim 21.

The rejection of claim 21 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,346,193 to Bauer (“Bauer”) is rendered moot by the cancellation of claim 21

The rejection of claim 21 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,485,229 to Gunderson, III et al. (“Gunderson”) is rendered moot by the cancellation of claim 21.

The rejection of claims 1, 5-15, 19, and 20 under 35 U.S.C. § 103(a) for obviousness over Bauer in view of U.S. Patent 4,084,380 to Hallhagen (“Hallhagen”) is respectfully traversed.

Bauer teaches a containment boom for use in a reservoir. The boom includes a hood portion that contains flotation devices and a cable is also provided that spans between pilings to secure the boom position during use. The flotation system and the cable attach essentially to the same location on the curtain (i.e., at the upper edge of the curtain).

Hallhagen teaches an oil fence having multiple flotation elements and ballast along the height of the fence, which allows the fence to remain upright in the water. *See abstract; col. 3, lines 34-42.*

Bauer fails to teach or suggest using multiple support systems that are connected to the curtain at distinct, spaced apart locations such that the upper and lower curtain sections can be maintained in a sloped arrangement upon installation. Thus, Bauer fails to teach or suggest the use of two support systems, where the first is “connected to the sleeve” and the second is “connected to the central region,” where the sleeve is formed at “an upper edge of the upper curtain portion,” which “upper edge [is] spaced apart from the central region” (as recited in claim 1). It is this arrangement that allows the first and second support systems to maintain both the upper and lower curtain portions in a substantially sloped arrangement upon introduction of the boom into the body of water in the manner recited in

claim 1. Because Hallhagen fails to overcome the limitations of Bauer and, in fact, teaches away from the claimed invention – by maintaining the oil curtain in an upright position rather than a sloped arrangement as claimed, this rejection is improper and should be withdrawn.

The rejection of claims 16-18 under 35 U.S.C. § 103(a) for obviousness over Bauer in view of Hallhagen and further in view of U.S. Patent 3,713,540 to Davidson et al. (“Davidson”) is respectfully traversed.

The deficiencies of the combination of Bauer and Hallhagen with respect to claim 1 are noted above. Davidson is cited for teaching the use of an impinging air injection system for purposes of cleaning a filter screen. However, because Davidson does not overcome the limitations of Bauer and Hallhagen, as noted above with respect to claim 1, upon which claims 16-18 ultimately depend, the rejection is improper and should be withdrawn.

In view of all of the foregoing, applicant submits that the present application is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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